



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALB:CPK
F. #2018RO

*610 Federal Plaza
Central Islip, New York 11722*

December 27, 2018

By ECF

Honorable Joseph F. Bianco
United States District Judge
United States Courthouse
1040 Federal Plaza
Central Islip, New York 11722

Re: U.S. v. Abdulrahman Khwaja, CR 18-607(JFB)

Dear Judge Bianco:

In accordance with this Court's Scheduling Order of December 26, 2018, the United States submits this response to the letter of counsel for defendant Abdulrahman Khwaja ("Defendant") dated December 17, 2018 (ECF No. 68) ("Letter Motion"). The Letter Motion seeks the return of phones seized during the execution of the search warrant of 500 Smith Street, Farmingdale, New York issued on November 13, 2018 by the Honorable Anne Y. Shields, United States Magistrate Judge for the Eastern District of New York ("Search Warrant"). Attachment H to the Search Warrant specifically called for the seizure of, among other items, "any and all...smartphones and cellular telephones." The phones in issue here include approximately 1430 smartphones and cellular phones.

Having taken pictures of the phones, the government no longer needs to hold the phones as evidence. However, the government believes that the phones were purchased with proceeds from an account/accounts that were recipients of drug proceeds and involved in money laundering. Moreover, these accounts were seized pursuant to seizure warrants issued by Magistrate Judge Shields. If the phones were purchased with proceeds from these accounts, the phones would constitute items involved in money laundering and forfeitable under 18 U.S.C. § 982(a)(1) and/or 981(a)(1)(C) or the proceeds of drug trafficking and forfeitable under 21 U.S.C. § 853. The government is currently examining records to ascertain the facts regarding the purchase of these phones. Based on that examination, the government, in accordance with 18 U.S.C. § 983(a)(1)(A)(i), intends to either commence

forfeiture proceedings on or before January 15, 2019 or return the phones to their owner by making them available for pickup by a designated representative.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: _____
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